



Full Summary of Administrative Penalty

Name of Respondents: Brandon Michael GABOURY (GABOURY) and Karan Kathleen VARGA (VARGA)

Date of Penalty Issued: March 1, 2024

Contraventions under the *Residential Tenancy Act*:

- Failure to pay rent in full and on time when due under a tenancy agreement-Section 26(1)
- Giving false or misleading information during an investigation-Section 87.3(1)(c)

Outcome of the Investigation: One administrative penalty in the amount of \$3,700.00 against GABOURY and VARGA and one administrative penalty in the amount of \$1,000.00 against GABOURY.

The Compliance and Enforcement Unit received a complaint on June 16, 2023, from GABOURY that his landlord locked him and VARGA out of their rental unit. During the initial investigation, the Senior Investigator discovered evidence to suggest that GABOURY and VARGA may have deliberately contravened the Act by failing to pay to rent when due under a tenancy agreement and that GABOURY provided false or misleading information during this investigation. Pursuant to section 87.1 of the Act, an investigation commenced on June 30, 2023.

Section 26(1) of the Act requires that a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with the Act, the regulations, or the tenancy agreement, unless the tenant has a right under the Act to deduct all or a portion of the rent.

Section 87.3(1)(c) of the Act states that subject to the regulations, the director may order a person to pay a monetary penalty if the director is satisfied on a balance of probabilities that the person has given false or misleading information in a dispute resolution proceeding or an investigation.

Administrative Penalties are issued to promote compliance. The respondent's compliance history and the seriousness of the contravention were considered when determining a one-time or continuing penalty.

Under the authority provided by Part 5.1 of the Act, the Case Manager of Compliance and Enforcement ordered administrative penalties on March 1, 2024, and the administrative penalties became due on or before May 1, 2024.

[Click here to see the full decision.](#)